



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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MAR 07 2014

David Chan, Project Manager
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David Valenstein, Chief
Environment and System Planning division
Federal Railroad Administration
1200 New Jersey Avenue, SE, MS-20
Washington, DC 20590

Dear Messrs Chan and Valenstein:

The U.S. Environmental Protection Agency (EPA) has reviewed the joint Federal Railroad Administration's (FRA) and New York State Department of Transportation's (NYSDOT) High Speed Rail Empire Corridor Program Tier 1 Draft Environmental Impact Statement (DEIS) (CEQ# 20140019). The Empire Corridor is a passenger and freight rail corridor that runs approximately 436 miles between Pennsylvania Station, New York City, New York and Niagara Falls Station, Niagara Falls, New York. The purpose of the project would be to increase ridership and speed, improve on time performance, and reduce congestion points between the passenger rail and freight rail. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act.

The Tier 1 DEIS describes and summarizes the environmental impacts of four proposed system improvements to intercity train travel along the Empire Corridor, along with a base case or "no action" alternative. As the Tier 1 DEIS does not indicate a preferred alternative, EPA rated each alternative. (See enclosed rating sheet.)

The Base Alternative represents a continuation of existing Amtrak service with eight planned improvement projects funded under FRA and Federal Highway Administration grants to address previously identified capacity constraints. Trip frequency would remain as it is, and the majority of the upgrades are within the corridor footprint. The Base Alternative is limited in its capability to support the project goals. EPA lacks objections to implementation of the planned improvements.

Alternative 90A would include 64 miles of new mainline track and upgrades to 17 grade crossings/warning systems, 74 under grade bridges, and six stations/facilities. This alternative would also add three daily round trips between New York City and Albany, and four daily round trips between Albany and Niagara Falls. Improvements would be largely within the existing rights-of-way, and would be expected to have minimal impacts. However, without detailed impact information, this alternative is rated EC-2 – Environmental Concerns, Insufficient Information.

Alternative 90B would include the improvement projects proposed under Alternative 90A, and would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew stations. It would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. This alternative would also add an additional round trip between New York City and Albany daily. Physical changes would extend outside of the existing rights-of-way, but due to the nature of a Tier 1 DEIS, these impacts cannot be quantitatively defined. It is for this reason that Alternative 90B is rated EC-2 – Environmental Concerns, Insufficient Information.

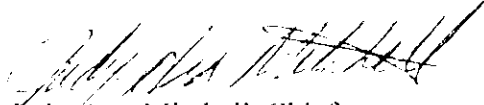
Alternative 110 would include the improvement projects proposed under Alternative 90B and would consist of additional areas of third track and fourth track, and station improvements to accommodate a maximum authorized speed of 110 miles per hour. This alternative would also provide two grade-separated flyovers. Physical changes would extend outside of the existing rights-of-way, yet cannot be quantitatively defined in a programmatic DEIS. It is for this reason that this alternative is rated EC-2 – Environmental Concerns, Insufficient Information.

Alternative 125 would include improvements for Alternative 90A along the existing corridor, and include the station improvements at Syracuse and Rochester Stations proposed under the Base Alternative. Alternative 125 would also add a new electrified, two-track, grade-separated high-speed rail corridor of 183 miles between Albany/Rensselaer Station and a new Buffalo station. This would require approximately two to three thousand acres of land outside the existing corridor. The environmental impacts of a new corridor would be substantial, while the DEIS does qualitatively discuss the impacts, EPA is concerned that the use of a 300-foot (from the centerline of the track) study area, the same as the other alternatives, is not adequate to even qualitatively define the impacts of a higher speed rail alternative. This alternative is rated EC-2 – Environmental Concerns, Insufficient Information.

Please find our technical comments enclosed with this letter.

Thank you for the opportunity to comment. If you have any questions, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy Ann Mitchell", written in a cursive style.

Judy Ann Mitchell, Chief
Sustainability and MultiMedia Programs Branch

Enclosure

High Speed Rail Empire Corridor Tier 1 Draft Environmental Impact Statement
January 2014
EPA Technical Comments

1. Chapter 4 Exhibit 4-2—Land Use/Land Cover in the 90/110 Study Area. There are no definitions of “rangeland”, “barren land” or “forest land”. This should be clarified.
2. For those alternatives that would require additional construction (i.e., alternatives 125, 110, 90B) EPA recommends that the equipment used for construction meets at a minimum Tier 4, if available, or the most stringent engine standard available at the time. We encourage the use of the Northeast Diesel Collaborative Model Construction Contract Specifications and Best practices for Clean Diesel Construction - <http://northeastdiesel.org/construction.html#ModelContractLanguage>.
3. The air quality impacts to communities during the construction phase, especially communities with Environmental Justice concerns, should also be considered. To minimize emissions resulting from construction activities, in addition to using best available technology, an idle-reduction policy should be implemented and enforced during construction operations.
4. Even though the Tier 1 air quality analysis indicates that there is no net increase for criteria pollutants, except for a minor increase in nitrogen oxide, the increase in train service may ultimately increase diesel locomotive emissions at the local level, due to idling. Train idling has been a common concern of communities living near rail yards and train stations. An idle reduction policy and idle reduction technology should be implemented by the train owners and operators as part of a mitigation strategy, in addition to the use of the highest Tier engine available at the time of project completion.
5. Section 4.19.1 -- General Conformity discussion. While the Conformity discussion is adequate, it presumes that funding will come only from the FRA. If any funding for the project comes from either the Federal Highways Administration or the Federal Transit Administration, Transportation Conformity would apply, and therefore, should be discussed as well.

